

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 13  
 )  
SUE `YEN HENRY ) CASE NO. 04-71646-MHM  
a/k/a SUE `YEN JACKSON )  
 )  
Debtor )

**ORDER**

Before the court is a pleading filed *pro se* by Melvin Lewis. The pleading was entitled "Creditor's Petitioner (sic) for Relief from the Bankruptcy Court." In the pleading, Mr. Lewis explains that a proceeding he filed against Debtor in Clayton County Magistrate Court<sup>1</sup> has been stayed by the filing of Debtor's bankruptcy case. Mr. Lewis states he has a claim against Debtor in the amount of \$2,500. Mr. Lewis seeks the following relief:

...that this Bankruptcy Court please notify the Clayton County Magistrate Judge, Robert F. Dolph, that an Order has been entered regarding the bankruptcy case, and that this plaintiff can be added to Ms. Henry's list of creditors, for monthly payments.

Bankruptcy law and procedure are very complex and specialized areas of the law. As such, the average layman is not readily able to assimilate the many and often esoteric vagaries of bankruptcy law. Realizing that *pro se* litigants lack familiarity with bankruptcy law and procedure, the court liberally construes *pro se* pleadings to permit consideration of the relief sought within the applicable legal and procedural limitations. *See, Kilgo v. Ricks*, 983 F. 2d 189 (11th Cir. 1993).

The essence of Mr. Lewis' claim appears to be that he wants to be paid through Debtor's

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<sup>1</sup> Melvin David Lewis v. Sue`Yen Jackson-Henry, Civil File Action #2-4CM21252.

Chapter 13 plan.<sup>2</sup> Mr. Lewis' claim was not listed initially on Debtor's Schedules and Mr. Lewis was not initially included on the mailing matrix. Mr. Lewis was added as an unsecured, non-priority creditor by amendment filed February 9, 2005. Mr. Lewis' pleading will be construed as a proof of claim. Attached to this order is a proof of claim form with its instructions. Mr. Lewis may file an amended proof of claim on that form. Unless an objection to Mr. Lewis' claim is filed, it will be allowed and be entitled to a distribution from the Chapter 13 Trustee as provided by Debtor's confirmed Chapter 13 plan.

**The Clerk, U.S. Bankruptcy Court, is directed to serve** a copy of this order upon Debtor, Debtor's attorney, the Chapter 13 Trustee, and all creditors and parties in interest.

IT IS SO ORDERED, this the \_\_\_\_ day of March, 2005.

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MARGARET H. MURPHY  
UNITED STATES BANKRUPTCY JUDGE

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<sup>2</sup> Debtor's Chapter 13 plan provides that Debtor's unsecured, non-priority creditors will be paid 1%. Unless Mr. Lewis' claim is a secured claim or a priority claim -- no facts in Mr. Lewis' pleading suggest that his claim is either secured or priority -- Mr. Lewis holds an unsecured claim.